

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

LORENZO MALONE,	)	
	)	
Petitioner,	)	
v.	)	No. 3:09-0949
	)	Chief Judge Haynes
JAMES FORTNER, Warden	)	
	)	
Respondent.	)	


**O R D E R**

In accordance with the Memorandum filed herewith, the Petitioner's motion for summary judgment (Docket Entry No. 33) is **GRANTED** and the petition for writ of habeas corpus is conditionally **DENIED**. The Court **GRANTS** a Certificate of Appealability under 28 U.S.C. § 2253(c) on Petitioner's ineffective assistance of counsel claims that were exhausted in the state courts.

This is the Final Order in this action

It is so **ORDERED**.

**ENTERED** this the 14<sup>th</sup> day of March, 2013.

  
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WILLIAM J. HAYNES, JR.  
Chief United States District Judge